

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
GENERAL COMMUNICATION, INC.,)	
)	
Complainant,)	
)	File No. EB-00-MD-016
v.)	
)	
ALASKA COMMUNICATIONS SYSTEMS,)	
HOLDINGS, INC. and ALASKA)	
COMMUNICATIONS SYSTEMS, INC.)	
d/b/a/ ATU TELECOMMUNICATIONS)	
d/b/a ANCHORAGE TELEPHONE)	
UTILITY,)	
)	
Defendants.)	

ORDER

Adopted: March 31, 2003

Released: April 2, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On August 24, 2000, General Communication, Inc. ("GCI") filed a formal complaint¹ against Alaska Communications Systems Holdings, Inc. and Alaska Communications Systems, Inc., d/b/a ATU Telecommunications d/b/a Anchorage Telephone Utility (collectively "ACS") pursuant to section 208 of the Communications Act of 1934, as amended ("Act").² The Complaint alleged that ACS owes GCI damages for exceeding ACS's lawful rate of return on interstate access charges for the January 1, 1997 to December 31, 1998 monitoring period.

2. On January 24, 2001, the Commission issued an order granting in part and denying in part GCI's complaint.³ The proceeding is currently pending again before the

¹ GCI Formal Complaint, File No. EB-00-MD-016 (filed Aug. 24, 2000) ("Complaint").

² 47 U.S.C. § 208.

³ *General Communication, Inc. v. Alaska Communications Systems Holdings, Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 2834 (2001), *aff'd in substantial part, remanded in part sub. nom. ACS of Anchorage, Inc. v. FCC*, 290 F.3d 403 (D.C. Cir. 2002).

Commission on remand from the United States Court of Appeals for the District of Columbia Circuit.⁴

3. On March 5, 2003, the parties filed a Joint Motion For Dismissal of Complaint With Prejudice, in which they state that they have reached a mutually-acceptable resolution of the issues alleged in the complaint, and move that we dismiss the complaint with prejudice.⁵ We grant the parties' joint motion to dismiss the complaint, with prejudice. We find that dismissal is appropriate and will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of additional time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and authority delegated by sections 0.111, and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the parties' joint motion to dismiss with prejudice the above-captioned complaint filed IS GRANTED in its entirety.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and authority delegated by sections 0.111, and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief
Market Disputes Resolution Division
Enforcement Bureau

⁴ *Id.*

⁵ Joint Motion for Dismissal with Prejudice, File No. EB-00-MD-016 (filed Mar. 5, 2003). The parties have notified the Commission that GCI has received payment from ACS of the agreed-upon settlement amount. Joint Letter from Joe D. Edge, counsel for GCI, Tina M. Pidgeon, GCI Vice President, Federal Regulatory Affairs, and Karen Brinkman *et al.*, counsel for ACS, to Marlene H. Dortch, Secretary, Federal Communications Commission, File No. EB-00-MD-016 (filed Mar. 26, 2003).